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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/669,894

09/23/2003

Robert M. Soule III

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20874

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11/02/2005

WALL MARJAMA & BILINSKI

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SUITE 400

SYRACUSE, NY 13202

EXAMINER

LE, UYEN CHAU N

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,894

Applicant(s)

SOULE ET AL.

Examiner

Uyen-Chau N. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-18, 47-54 and 69-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-18, 47-54 and 69-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/04, 11/04, 1/05, 8/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II including claims 13-18 and 47-54 in the reply filed on 30 September 2005 is acknowledged. The traversal is on the ground(s) that "the Examiner has failed to postulate proper classifications of the claims" and that "the Examiner has not alleged that a search and examination of the entire application cannot be made without serious burden" (p. 17, 1st and 2nd paragraphs). This is not found persuasive because the invention of Group I (i.e., claims 1-12 and 59-68) direct to a system for reprogramming/reconfiguring an optical device comprising a reconfigurable device for reading a reprogramming symbol to produce a data stream corresponding to the reprogramming symbol, which is classified in class/subclass 235/462.15 for programming an optical barcode reader; the invention of Group II (i.e., claims 13-18 and 47-54) direct to a symbol generator including a user interface for receiving formatted file and user input/command and encoding the formatted file into at least one symbol according to the user command, which is classified in class/subclass 235/494 for recoding/encoding information in a particular code pattern/symbol specified by a user (i.e., number

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of bytes, etc.); the invention of Group III (i.e., claims 19-46) direct to specific electrical components/circuitry within a portable code/symbol reading device comprises a memory, a decoding unit, a control circuit, etc. and specific methods/steps of operating the device to obtain a successful reading, which classified in class/subclass 235/462.25 for a specific reading processing circuitry having specific functions (i.e., when executing the data stream processing program locates command data in the data stream, and executes a command in accordance with the command data, etc.); and the invention of Group IV (i.e., claims 55-58) direct to a system for initiating a communication of a portable barcode reader within a network, wherein the portable reader having a mother board and a radio circuit board (i.e., wireless), which is classified in class/subclass 235/472.02 for a handheld/portable device having wireless (e.g., radio frequency) communication. Accordingly, the invention of Groups I, II, III and IV are distinct from one another.

The requirement is still deemed proper.

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Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: -- A Graphical User Interface for an Encoding Symbol Generator --.

Claim Objections

3. Claim 80 is objected to because of the following informalities:

Re claim 80, line 2: Delete "of the type."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a),

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the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 13, 15-16, 47-54 and 69-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski et al (US 6529146 B1) in view of Hashimoto et al (US 6902114 B2).

Re claims 13, 15-16, 47-54 and 69-80: Kowalski et al discloses a symbol generator including: a graphical user interface 44 including a first data input area 96 facilitating entry of formatted file data, and a second data input area 80 facilitating entry of command data; an encoder 32 encoding into at least one encoding format a formatted file in accordance with the input formatted file data, and a command in accordance with the input command data (fig. 6; col. 7, line 40 through col. 8, line 62); wherein the user specifies all desired parameters and the encoding system configured to encode the inputted data according to the user's setting or the options selected by the

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user (figs. 5 and 8; col. 5, line 3 through col. 7, line 39 and col. 9, lines 18-65).

Kowalski et al is silent with respect to encode the formatted file into at least one symbol; automatically changes a number of symbols to encode depending; indicate a number of symbols to be encoded; encoding a set of barcodes, a field indicating a total number of symbols of the set, respectively.

Hashimoto et al teaches an encode method and system where the user specifies all setup value; the capacity of the inputted data is greater than the predetermined number, the data is encoded into more than one barcode; wherein each of the encoded barcode includes a total number of barcodes making up the setting group and a serial number indicating the order of the barcode in the barcodes making up the setting group (figs. 4-7; col. 8, line 1 through col. 10, line 41).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hashimoto et al into the system as taught by Kowalski et al for intended use (i.e., encoding data into barcode symbols). Furthermore, such modification would decrease occurrence of read errors due to the division of data into a plurality of barcodes (i.e., at the scanning time, a distance is kept between the bar code reader and a bar code label, whereby a

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beam is scattered and thus the scan width widens, but the spot worsens, degrading the read accuracy. Therefore, to ensure precise read, the original data needs to be placed in a proper bar code length), thus providing a more accurate system.

Kowalski et al as modified by Hashimoto et al has been discussed above and further discloses the graphical interface may include additional input boxes to allow for input of information with respect to other parameters (col. 8, lines 16-18), but is silent with respect to the user indicating number of symbols to be encoded, number of bytes of data into a to-be encoded barcode, and whether a viewable field designated for encoding will be displayed at the time when a symbol encoding the viewable file is read, respectively.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the additional input boxes of Kowalski et al/Hashimoto et al to provide the user with the flexibility in selecting desired specific parameters, thus providing a desired encoding result.

7. Claims 14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski et al as modified by Hashimoto et al as applied to claim 13 above, and further in view of Liu (US 5764774 A). The teachings of Kowalski et al as modified by Hashimoto et al have been discussed above.

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Re claims 14 and 17-18: Kowalski et al/Hashimoto et al has been discussed above, but is silent with respect to storing a formatted file onto a portable device, whether encoded symbol data is to be compressed or encrypted prior to being encoded into a symbol, respectively.

Liu teaches an encoding system where the source data can be received from a data storage device, the coding control 12 determines whether the source data is to be encrypted or compressed, and the determination is based on the data received from the user (col. 5, lines 40-65).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Liu into the system as taught by Kowalski et al/Hashimoto et al in order to provide Kowalski et al/Hashimoto et al with a more secure system wherein the data is encrypted prior to encoded. Furthermore, such modification would provide Kowalski et al/Hashimoto et al with a greater capacity to encode data due to the compressed data (i.e., more data can be encoded within one barcode).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The patents to Benz (US 5120943 A); Beller et al (US 5602377 A); Huang et al (US 5748904 A); Sheppard (US 6026397 A); Kara (US 6208980 B1); Dong et al (US 6343101 B1); Moule (US 20020081038 A1); Nakayama et al (US 20030228063 A1); Entani (US 6764011 B2) are cited as of interest and illustrate a similar structure to a user interface for an encoding symbol generator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on First Monday 5:30AM-1:30PM and Tues-Fri 5:30AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Uyen-Chau N. Le', with a long horizontal stroke extending to the right.

Uyen-Chau N. Le
Examiner
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October 28, 2005